

ASSEMBLY BILL

No. 1257

Introduced by Assembly Member Caballero

February 23, 2007

An act to amend Section 25404.8 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1257, as introduced, Caballero. Rural CUPA reimbursement.

Existing law requires the Secretary for Environmental Protection to adopt regulations and implement a unified hazardous waste and hazardous materials management regulatory program. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program, and every county is required to apply to the secretary to be certified to implement the unified program as a Certified Unified Program Agency (CUPA). Existing law establishes the Rural CUPA Reimbursement Account in the General Fund, and requires the Secretary for Environmental Protection to allocate funds to eligible counties for which a CUPA has not been certified on or before January 1, 2000, in amounts not to exceed designated percentages of budgeted costs.

This bill would also make eligible for such an allocation, a county if the CUPA of that county was certified on or before January 1, 2000, and the county has a population of fewer than 70,000 persons. The bill would authorize the secretary to additionally base the amount of the allocation to a county on whether a CUPA has failed to achieve a satisfactory performance standing and if the secretary determines that a CUPA has been assessed as having an unsatisfactory performance

standing, the secretary would be authorized to decrease the funding otherwise required to be allocated from that account.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25404.8 of the Health and Safety Code
2 is amended to read:
3 25404.8. (a) (1) In a county for which a CUPA has not been
4 certified on or before January 1, 2000, and where the unified
5 program is implemented pursuant to paragraph (2) of subdivision
6 (f) of Section 25404.3, the *county of that* CUPA is eligible for an
7 allocation pursuant to subdivision (d). The CUPA shall institute
8 a single fee system that meets the requirements of Section 25404.5,
9 except that the amounts to be paid by each person regulated by the
10 unified program under the single fee system shall be set at a level
11 so that the revenues collected under the single fee system and the
12 amount allocated pursuant to subdivision (d) are sufficient to pay
13 the necessary costs incurred by the CUPA in implementing the
14 unified program. The CUPA shall determine the level to be paid
15 by persons regulated under the unified program by conducting a
16 workload analysis that establishes the direct and indirect costs to
17 the CUPA of implementing the unified program.
18 (2) *A county is also eligible for an allocation pursuant to*
19 *subdivision (d), if the CUPA of that county was certified on or*
20 *before January 1, 2000, and the county has a population of fewer*
21 *than 70,000 persons.*
22 (b) A CUPA that implements the unified program pursuant to
23 paragraph (2) of subdivision (f) of Section 25404.3 shall use the
24 funding allocated pursuant to subdivision (d) to implement the
25 unified program within the jurisdiction of the CUPA in accordance
26 with the implementation agreement reached with the secretary
27 pursuant to paragraph (2) of subdivision (f) of Section 25404.3.
28 (c) The Rural CUPA Reimbursement Account is hereby
29 established in the General Fund and the secretary may expend the
30 money in the account, *upon appropriation by the Legislature*, to
31 make the allocations specified in subdivision (d).

1 (d) (1) Except as provided in ~~paragraph (2)~~ paragraphs (2) and
2 (3), the secretary shall allocate the following amounts from the
3 Rural CUPA Reimbursement Account to an eligible county:

4 (A) If the county has a population of less than 70,000 persons,
5 the amount of the funds allocated from the account shall not exceed
6 75 percent of the budgeted costs as approved by the local governing
7 body for implementation of the unified program.

8 (B) If the county has a population of more than 70,000, but less
9 than 100,000 persons, the amount of the funds allocated from the
10 account shall not exceed 50 percent of the budgeted costs as
11 approved by the local governing body for implementation of the
12 unified program.

13 (C) If the county has a population of more than 100,000, but
14 less than 150,000 persons, the amount of the funds allocated from
15 the account shall not exceed 35 percent of the budgeted costs as
16 approved by the local governing body for implementation of the
17 unified program.

18 (2) The secretary shall not allocate more than sixty thousand
19 dollars (\$60,000) for all CUPAs in an eligible county.

20 ~~(e) This section shall become operative July 1, 2001.~~

21 (3) *The secretary may also base the amount of the allocation*
22 *on whether a CUPA of that county has failed to achieve a*
23 *satisfactory performance standing in the assessment conducted*
24 *pursuant to Section 25404.14. If the secretary determines that a*
25 *CUPA has been assessed as having an unsatisfactory performance*
26 *standing, the secretary may decrease the funding otherwise*
27 *required to be allocated pursuant to this subdivision.*